

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN (GRAND RAPIDS)**

IN THE MATTER OF:

James F. Wynn,

Debtor.

Bankruptcy Case No. 15-01621-jwb
Honorable James W. Boyd
Chapter 7

**REQUEST FOR ENTRY OF ORDER GRANTING TRUSTEE'S MOTION TO COMPEL
RULE 2004 EXAMINATION OF DEBTOR, JAMES F. WYNN
AND FOR THE PRODUCTION OF DOCUMENTS**

This matter having come before this Court upon Trustee's Motion to Compel Rule 2004 Examination of James F. Wynn and for the Production of Documents ("Motion"); proper service having been made pursuant to F.B.R.P. 2002; a hearing having been held on November 16, 2017, Traverse City, the Court requesting that the parties consent to the entry of an Order as set forth from the bench at the hearing, Debtor's counsel having requested approval of the attached Order from his client, however, Trustee has not received a response as to whether the attached order is acceptable after repeated requests; therefore, the Trustee requests that this Court enter the attached Order or enter an order consistent with this Court's ruling.

Respectfully submitted,

BEADLE SMITH, PLC

/s/ Kevin M. Smith

By: Kevin M. Smith (P48976)
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Dated: December 4, 2017

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN (GRAND RAPIDS)**

IN THE MATTER OF:

James F. Wynn,

Debtor.

Bankruptcy Case No. 15-01621-jwb
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Chapter 7

**ORDER GRANTING TRUSTEE'S MOTION TO COMPEL RULE 2004 EXAMINATION
OF DEBTOR, JAMES F. WYNN
AND FOR THE PRODUCTION OF DOCUMENTS**

PRESENT: HONORABLE JUDGE BOYD
United States Bankruptcy Judge

This matter having come before this Honorable Court based upon the Trustee's Motion to Compel Rule 2004 Examination of James F. Wynn and for the Production of Documents ("Motion"); proper service having been made pursuant to F.B.R.P. 2002; a hearing having been held on November 16, 2017, Traverse City, MI; and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the Debtor, James F. Wynn, shall provide to the Trustee a privilege log in response to those documents requested in the Motion in which he asserts a privilege no later than December 31, 2017. The privilege log shall be executed in compliance with Rule 26(g), Fed.R.Civ.P. and shall contain:

1. A description of the document explaining whether the document is a memorandum, letter, e-mail , etc.;
2. The date upon which the document was prepared;
3. The date of the document (if different from #2);
4. The identity of the person(s) who prepared the document;
5. The identity of person(s) for whom the document was prepared, as well as the identities of those to whom the document and copies of the document were directed, including an evidentiary showing based on competent evidence supporting any assertion that the document was created under the supervision of an attorney.
6. The purpose of preparing the document, including and evidentiary showing, based on competent evidence, supporting any assertion that the document was prepared in the course of adversarial litigation or in anticipation of a threat of adversarial litigation that was real and imminent; a similar evidentiary showing that the subject of communications within the document relates to seeking or giving legal advice; and a showing, based upon

competent evidence, taht the documents do not contain or incorporate non-privileged underlying facts;

7. The number of pages of the document;
8. The party's basis for withholding discovery of the document (i.e. the specific privilege or protection being asserted);
9. Any other pertinent information necessary to establish the elements of each asserted privilege; and
10. Reference to the request for produciton to which the item is responsive.

IT IS FURTHER ORDERED that James Wynn is ordered to appear for a Rule 2004 Examination to be conducted by Trustee's counsel, Kevin M. Smith, on January 10, 2017 beginning at 12:00 p.m. at the law office of Kelly M. Hagan, located at 511 Depot View Drive, No. 21, Traverse City, MI 49686. or at a date and time agreed upon between the parties in writing.

IT IS FURTHER ORDERED that the Debtor shall produce, subject to the privilege log, the following documents to counsel for the Trustee no later than December 31, 2017:

1. un-redacted and un-modified statements and registers for all financial deposit accounts in which the Debtor is or was the owner, held signatory authority, all business accounts for which he held an interest, accounts held in trust for the Debtor and all other accounts in which the Debtor held a beneficial interest; covering the period of September 1, 2017through December 15, 2017 ("Deposit Account Documents");

2. the source of and un-redacted documents to support deposits identified in the Deposit Account Documents in an amount of \$500.00 or greater;

3. un-redacted evidence of income, funds or other property received by the Debtor for services performed during the period of September 1, 2017 through December 15, 2017;

4. un-redacted listing of accounts receivable with addresses, current agreements, contracts, memorandum of understanding and other documents regarding amounts due the Debtor or that are to become due the Debtor; and

5. list of current accounts with names and addresses for which services are being rendered by you or your business during the period of September 1, 2017 through December 15, 2017 (collectively referred to as "Documents").

END OF ORDER

Prepared by:
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